

CH

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
CHICAGO

**RECEIVED**

JAN 22 2008  
Jan 22 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

PRISONER CIVIL RIGHTS COMPLAINT

## (Plaintiff's Information)

vs.

## (Defendant's Information)

Mr. Andrew Gross III  
#28240-039  
P.O. Box # 33  
Terre Haute, Indiana 47808-0033

Michael B. Mukasey  
U.S. Department of Justice  
U.S. Attorney General  
950 Pennsylvania Avenue NW  
Washington, DC 20530-0001

Stephen J. Murphy  
United States Attorney  
211 W. Fort Street Ste# 2001  
Detroit, Michigan 48226  
313-226-9707

08CV460  
JUDGE COAR  
MAG. JUDGE SCHENKIER

Jennifer M. Gorland  
Assistant U.S. Attorney  
211 W. Fort Street Ste# 2001  
Detroit, Michigan 48226  
313-226-9707

- 
- (1) This case is brought pursuant to Title 28 U.S.C. § 1331 and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).
  - (2) Plaintiff is suing defendant's for Monetary damages, in Both Capacities.

SWORN STATEMENT OF FACTS

- (1) Michael B. Mukasey, violated my first and fourteenth Amendment Rights to the United States Constitution.
- (2) Stephen J. Murphy, violated my first and fourteenth Amendment Rights to the United States Constitution.
- (3) Jennifer M. Gorland, violated my first and fourteenth Amendment Rights to the United States Constitution.

This 14 day of January 2008.

Mr. Andrew Gross III  
Mr. Andrew Gross III-Plaintiff

STATEMENT OF COMPLAINT

On or about October 15, 2002, Plaintiff, appeared for the first day of trial, and plead guilty, without the benefit of a Rule 11 plea agreement, However" Plaintiff plead guilty to a single count, indictment count # 11, at the sentencing hearing, the government agreed to dismiss the remaning counts. Plaintiff agreed to only the conduct within count # 11 which was a \$7,300 loss amount (SEVEN THOUSAND THREE HUNDRED DOLLARS) Yet, the district court, has placed a Huge burden on the plaintiff, and the plaintiff's family By extending his prison sentence, simply because the plaintiff cannot afford to pay his Restitution and fines in the Amount of \$341,527.26 (Three Hundred fourty One Thousand five hundred twenty seven dollars twenty six cents.)

All the defendants used the Restitution amount of \$341,527,26 and \$1,000,000,00 dollars, to calculate Plaintiffs guidelines sentence, violating, the plaintiffs due process rights, by extending plaintiffs prison sentence for failure to pay his restitution and fines.

All the defendants violated plaintiffs First Amendment Rights and Fourteenth Amendment Rights to the United States Constitution by impermissible discriminating, which has denied and violated the Plaintiff's equal protection clause of the fourteenth Amendment, as well as the first Amendment Due Process clause. Plaintiff argues that the single count in which he pleaded guilty exceeds the aggregate total amount of restitution ordered, of an indigent prisoner which exceeded the maximum amount of the conduct by statute of 3663(a) governing the offense of conviction involved which led the plaintiff to receive an unlawful restitution order.

I declare under penalty of perjury that the foregoing is true and correct.  
This 14 day of January 2008.

STATE OF INDIANA )  
TERRE HAUTE )  
County of Vigo )

Mr. Andrew Gross III  
Mr. Andrew Gross III Plaintiff

Mary Ellen Collins 1/13/2008  
Notary Public  
Com. exp. 03/22/2008

RELIEF REQUESTED

I want the Court to consider the single count, to which I plead guilty as the Supreme Court stated in Hughey v. United States, 495 U.S. 411, 420 110 S.Ct. 1979 109 L.Ed 2d 408 (1990). See: United States v. Gordon, 480 F.3d 1205 (10th cir. 2007). I want the same relief as this Court held because I should only be ordered restitution in the amount of loss from the single count to which I pleaded guilty. I want my sentenced vacated as the Seventh Circuit held in United States v. Flood, 965 F.2d 505 (7th cir. 1992).

Plaintiff has been damaged in the amount of 48 million U.S. Dollars.

WHEREFORE:)The plaintiff prays judgement against the defendants and each of them, in the amount of 24 million U.S. Dollars, in U.S. funds and because of the acts of the defendants were wanton and willful the plaintiff prays for an award of punitive damages in the amount of \$288 million dollars in U.S. funds and all his cost herein expended and for an allowance for reasonable attorney's fees and for such other and further relief as to the court shall deem Just and proper in the premises. Plaintiff demands trial by Jury!

I declare under penalty of perjury that the foregoing is true and correct.

This 14 day of January 2008.

Mr. Andrew Gross III  
Mr. Andrew Gross III-Plaintiff  
#28240-039  
F.C.I. Terre Haute  
P.O. Box # 33  
Terre Haute, Indiana 47808-0033

CERTIFICATE OF SERVICE

I Mr. Andrew Gross III, Plaintiff, hereby certify that I mailed a true and correct copy of my Prisoner Civil Rights Complaint, to the Clerk of the United States District Court, Northern District of Illinois Chicago clerks's office for filing by placing same in a sealed pre-paid envelope addressed to the following:

To: Michael W. Dobbins  
United States District Court  
Northern District of Illinois  
Chicago  
2044 Dirksen Bldg  
219 S. Dearborn Street  
Chicago, IL 60604  
312-435-5670

Respectfully Submitted

Mr. Andrew Gross III  
Mr. Andrew Gross III Plaintiff  
#28240-039  
P.O. Box # 33  
Terre Haute, Indiana 47808-0033

To: United States Department of Justice  
Michael B. Mukasey  
U.S. Attorney General  
950 Pennsylvania Avenue NW  
Washington, DC 20530-0001

To: Stephen J. Murphy  
United States Attorney  
211 W. Fort Street Suit 2001  
Detroit, Michigan 48226

To: Jennifer M. Gorland  
Assistant U.S. Attorney  
211 W. Fort Street Suit 2001  
Detroit, Michigan 48226  
313-226-9707